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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHRESTHA, BIJENDRA K	
ART UNIT	**PAPER NUMBER**
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,324	HAYASHI ET AL.	
	Examiner	Art Unit	
	Bijendra K. Shrestha	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/14/2003, 03/16/2005 and 07/22/2005.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in JAPAN P 2002-333471 11/18/2002. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson, U.S. Patent No. 6,470,079 (reference A in attached PTO-892) in view of Matsumoto et al., U.S. Patent No. 6,763,334 (reference B in attached PTO-892).

4. As per claim 1, Benson teaches a method for analyzing the effect of an advertisement in an advertisement system provided with terminals and an advertisement effect analyzing device comprising the steps for:

transmitting information pertaining to encoded advertisement type information (see Fig. 1; Fig. 4, step 407; column 2, lines 11-20; column 5, lines 55-59);

receiving the encoded advertisement type information from the terminals in the advertisement effect analyzing device (see Fig. 1; Fig. 4, step 411; column 5, lines 59-67);

storing the number of encoded advertisement type information receipts for each type in the advertisement effect analyzing device (see Fig. 1; column 2, lines 49-54; column 6, lines 17-21);

calculating the advertisement effect based on the number of encoded advertisement type information receipts in the advertisement effect analyzing device (see Fig. 5B; column 2, lines 39-48).

Benson does not teach calculating advertisement fees based on the calculated advertisement effect in the advertisement effect analyzing device.

Matsumoto et al. teach calculating advertisement fees based on the calculated advertisement effect in the advertisement effect analyzing device (Matsumoto et al., Fig. 4 and Fig. 7).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include calculating advertisement fees based on the calculated advertisement effect in the advertisement effect analyzing device of Benson because Masumoto et al. teach that incorporating above features would enable advertisers to evaluate the effect of advertisement and that the affiliate can charge the

advertiser for advertisement based on upon the data (Matsumoto et al., column 4, lines 15-18).

5. As per claim 2, Benson et al teaches a method for analyzing the effect of an advertisement in an advertisement system provided with an information transmitting device with a storing section for encoded advertisement type information, terminals, and an advertisement effect analyzing device, comprising the steps for:

transmitting information pertaining to the encoded advertisement type information stored in the storing section by the information transmitting device (see Fig. 1; Fig 4; step 401-413; column 2, lines 20-31);

receiving the encoded advertisement type information from the information transmitting device by the advertisement effect analyzing device; storing the number of encoded advertisement type information receipts for each type in the advertisement effect analyzing device (see column 6, lines17-25);

calculating the advertisement effect based on the number of encoded advertisement type information receipts in the advertisement effect analyzing device (see Fig. 5B; column 2, lines 39-48); and

Benson does not teach calculating advertisement fees based on the calculated advertisement effect in the advertisement effect analyzing device.

Matsumoto et al. teach calculating advertisement fees based on the calculated advertisement effect in the advertisement effect analyzing device (Matsumoto et al., Fig. 4 and Fig. 7).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include calculating advertisement fees based on the calculated advertisement effect in the advertisement effect analyzing device of Benson because Masumoto et al. teach that incorporating above features would enable advertisers to evaluate the effect of advertisement and that the affiliate can charge the advertiser for advertisement based on upon the data (Matsumoto et al., column 4, lines 15-18).

6. As per claim 3, Benson in view of Matsumoto et al. teach claim 1 as described above.

Benson does not teach the method for analyzing the effect of an advertisement comprising the step of calculating preferable conditions for posting the advertisement according to the effect of the previous advertisement and the advertisement fees.

Matsumoto et al. teach the method for analyzing the effect of an advertisement comprising the step of calculating preferable conditions for posting the advertisement according to the effect of the previous advertisement and the advertisement fees (Matsumoto et al., Fig. 4; column 2, lines 3-16; column 6, lines 30-39).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include the method for analyzing the effect of an advertisement comprising the step of calculating preferable conditions for posting the advertisement according to the effect of the previous advertisement and the advertisement fees of Benson because Masumoto et al. teach that incorporating above

features would enable to select optimum response expected from the user which is effective for the advertisement and beneficial for the affiliate (Matsumoto et al., column 2, lines 11-16).

7. As per claim 4, Benson in view of Matsumoto et al. teach claim 1 as described above.

Benson further teaches the method for analyzing the effect of an advertisement comprising the steps of:

reading out a type of contents in the advertisement type information that corresponds to the encoded advertisement information received in the above receiving step by the advertisement effect analyzing device from an advertisement type information construing table in which an information type that corresponds to the encoded advertisement type information and access information are stored (see Fig. 1; column 6 , lines 17-25);

transmitting the contents in the advertisement to a search engine by the advertisement effect analyzing device; receiving information concerning the contents in the advertisement from the search engine by the advertisement effect analyzing device (see Fig. 3; Fig. 5A; column 6, lines 25-45; Examiner search engine include "google" , "yahoo", etc.); and

transmitting the information concerning the contents in the advertisement to the terminals by the advertisement effect analyzing device (see Fig. 5B, step 517).

8. As per claim 5, Benson in view of Matsumoto et al. teach claim 1 as described above.

Benson further teaches the method for analyzing the effect of an advertisement using an advertising campaign identified by particular directory number "Campaign Number" instead barcode in the instant application.

The Examiner takes official notice to include a barcode reading section, and the step of reading barcode information that indicates the advertisement type information by the barcode reading section in the terminals of Benson in view of Masumoto et al. because it is well known to one of ordinary skill in the art at the time the invention that barcode could be read by barcode reader without requirement to type the letters by the keyboard such as in text books and scanning of items at checkout stations in all markets in the world.

9. As per claim 6, Benson in view of Matsumoto et al. teach claim 1 as described above.

Benson further teaches the method for analyzing the effect of an advertisement comprising the step of:

transmitting the advertisement type information by wireless communication by a wireless transmitting device provided in an advertisement medium; receiving the advertisement type information by a wireless receiving device provided in the terminals (see column 4, lines 3-6; column 9, lines 60-63; where switch or local exchange carrier serve cellular telecommunication (wireless) as well; Fig. 4; column 2, lines11-23).

10. As per claim 7, Benson in view of Matsumoto et al. teach claim 2 as described above.

Benson further teaches the method for analyzing the effect of an advertisement using advertising campaign identified by particular directory number "Campaign Number" instead barcode in the instant application (see claim 5 above).

The Examiner takes official notice to include a barcode reading section, and the step of reading barcode information that indicates the advertisement type information by the barcode reading section in the terminals of Benson in view of Masumoto et al. because it is well known to one of ordinary skill in the art at the time the invention was made that barcode could be read by barcode reader without requirement to type the letters by the keyboard such as in text books and scanning for items in checkout stations in the markets around the world.

Benson further teaches (after incorporation of above features) the method for analyzing the effect of an advertisement in the information transmitting device comprising the steps of:

reading the barcode information displayed in the terminals by the barcode reading section in the information transmitting device (see Fig. 4, step 403 and 405); and

transmitting the advertisement type information stored in the storing section when barcode is read (see Fig. 4, step 409–413).

11. As per claim 8, Benson in view of Matsumoto et al. teach claim 2 as described above.

Benson further teaches the method for analyzing the effect of an advertisement comprising the steps of:

transmitting transmission start information by wireless communication by the wireless communicating device provided in the terminals (see Fig. 4, step 403);

receiving the transmission start information by the wireless communicating device provided in the advertisement medium (see Fig. 4, step 405); and

transmitting the advertisement type information stored in the storing section by the information transmitting device provided in the advertisement medium when the transmission start information is received by the wireless receiving device (see Fig. 4, step 407).

12. As per claim 9, Benson in view of Matsumoto et al. teach claim 6 as described above.

Benson further teaches the method for analyzing the effect of an advertisement wherein

the wireless transmitting device receives a starting signal transmitted by the wireless receiving device so as to transmit the advertisement type information (see Fig. 4, step 403 and 405).

13. As per claim10, Benson in view of Matsumoto et al. teach claim 8 as described above.

Benson further teaches the method for analyzing the effect of an advertisement wherein the wireless transmitting device receives a starting signal transmitted by the

wireless receiving device so as to transmit the transmission start information (see Fig. 4, step 403; column 4, lines 3-6).

14. As per claim11, Benson in view of Matsumoto et al. teach claim 6 as described above.

Benson in view of Matsumoto et al. do not teach the method for analyzing the effect of an advertisement wherein a solar cell is used for converting solar energy to electric energy for supplying electricity to the wireless transmitting device or the wireless receiving device.

The Examiner takes official notice to include a method wherein a solar cell is used for converting solar energy to electric energy for supplying electricity to the wireless transmitting device or the wireless receiving device of Benson in view of Masumoto et al. because it is well known to one of ordinary skill in the art at the time the invention was made that solar batteries (photo cell) are used to convert solar energy to electric energy).

15. As per claim12-15, Benson in view of Matsumoto et al. teach a method for analyzing the effect of an advertisement wherein

the wireless transmitting device transmits the advertisement type information by electromagnetic waves or acoustic waves (see Fig. 1; Fig. 3; column 4, lines 3-6; column 9, line 62; where the caller uses cell phone or land based phone to transmit advertisement type information; Examiner notes that cell phone use electromagnetic

waves to carry signal over its communication path; acoustic waves progress from user mouth to the microphone and from the speaker of phone to the user's ear without scattering electromagnetic radiation in the vicinity of the user's head).

16. As per claims, 16-22, Benson teaches a method for analyzing the effect of an advertisement wherein

the wireless transmitting device has a function for transmitting and receiving voice and data (see Fig. 1; Fig. 3; column 4, lines 4-6; where voice and data are transmitted to and from web server to the PSTN (land based or wireless cell phone) and internet).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Ahn et al. (U.S. Pub No. 2002/0023263) teach advertising system using E-coupon data broadcasting and method therefor.

Calvert et al. (U.S. Pub No. 2003/0014304) teach method of analyzing Internet advertising effect.

Gailey et al. (U.S. Patent No. 6,848,542) teach method for passive mining of usage information in a location-based services system.

Hyodo (U.S. Patent No. 5,937,390) teaches on-line advertising system and its method.

Kanevsky et al. (U.S. Patent No. 6,334,109) teach distributed personalized advertisement system and method.

Middleton, III et al. (U.S. Patent No. 6,393,407) teach tracking user micro-interactions with web page advertising.

Perry (U.S. Pub No. 2004/0024632) teaches method of determining the effect of Internet advertising on offline commercial activity.

Petterson (U.S. Patent No. 6,826,594) teaches method and system for remote content management of designated portion of a web page.

Rosenberg (U.S. Pub No. 2002/0048385) teaches personal talking aid for cellular phone.

Shapira et al. (U.S. Patent No. 6,925,442) teach method and apparatus for evaluating visitors to a web server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 7:00 AM-4:30PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BKS

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SUPERVISORY PATENT EXAMINER